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7 UNITED STATES DISTRICT COURT  
8  
9 NORTHERN DISTRICT OF CALIFORNIA  
10 SAN JOSE DIVISION

11 In re UTSTARCOM, INC. SECURITIES  
LITIGATION

) Master File No. C-04-4908-JW(PVT)

) CLASS ACTION

12 This Document Relates To:

) STIPULATION AND ~~PROPOSED~~ ORDER  
13 ) STAYING CASE UNTIL COMPLETION OF  
14 ) MEDIATION

ALL ACTIONS.

1 WHEREAS, on May 22, 2009, this Court entered a Stipulated Order Regarding Answers to  
2 the Fourth Amended Consolidated Complaint that required plaintiffs to file any motion to strike  
3 defendants' answers on or before August 31, 2009, unless otherwise agreed upon by the parties or  
4 ordered by the Court;

5 WHEREAS, on May 28, 2009, the parties filed a Stipulation and [Proposed] Order  
6 Regarding Class Certification Briefing Schedule ("Class Certification Briefing Stipulation") that  
7 asked the Court to revise the class certification briefing schedule set forth in the April 29, 2009  
8 Scheduling Order;

9 WHEREAS, the August 31, 2009 date by which plaintiffs must file any motion to strike  
10 defendants' answers and the dates proposed in the May 28, 2009 Class Certification Briefing  
11 Stipulation were based on the parties' belief that the mediation would be scheduled in July or August  
12 2009;

13 WHEREAS, the parties were unable to schedule the mediation in July or August but have  
14 scheduled a mediation for September 14, 2009;

15 WHEREAS, on June 3, 2009, defendants served their responses and objections to Plaintiffs'  
16 First Set of Requests for Production of Documents and Plaintiffs' First Set of Interrogatories;

17 WHEREAS, on June 5, 2009, lead plaintiffs served their responses and objections to the  
18 UTStarcom Defendants' First Set of Document Requests and the UTStarcom Defendants' First Set  
19 of Interrogatories;

20 WHEREAS, on June 19, 2009, plaintiffs Gennadiy Sherman and Robert Lee Weese will  
21 serve their responses and objections to the UTStarcom Defendants' First Set of Document Requests  
22 and the UTStarcom Defendants' First Set of Interrogatories; and

23 WHEREAS, the parties have agreed, subject to the approval of the Court, to extend the date  
24 by which plaintiffs must file any motion to strike defendants' answers, revise the class certification  
25 briefing schedule set forth in the May 28, 2009 Class Certification Briefing Stipulation and defer  
26 filing any motions to compel related to the responses and objections to the discovery requests until  
27 after the completion of the mediation scheduled for September 14, 2009;

1 NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED by the parties,  
2 through their undersigned counsel, as follows:

3 1. Plaintiffs shall file and serve any motion to strike defendants' answers no later than  
4 October 30, 2009, unless otherwise agreed upon by the parties or ordered by the Court;

5 2. Plaintiffs shall file and serve their Motion for Class Certification on October 23,  
6 2009;

7 3. Defendants shall file and serve their responses to plaintiffs' Motion for Class  
8 Certification on November 20, 2009;

9 4. Plaintiffs shall file and serve their reply in support of their Motion for Class  
10 Certification on December 18, 2009;

11 5. The hearing on plaintiffs' Motion for Class Certification shall be on  
12 **January 25, 2010 at 9 a.m.**; and

13 6. The parties shall meet and confer about any responses and objections to the discovery  
14 requests after the mediation and preserve all rights to file motions to compel if the parties are unable  
15 to resolve any discovery disputes.

16 IT IS SO STIPULATED.

17 DATED: June 12, 2009

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20 \_\_\_\_\_  
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25 Lead Counsel for Plaintiffs

1 DATED: June 12, 2009

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1 I, Christopher P. Seefer, am the ECF User whose ID and password are being used to file this  
2 Stipulation and [Proposed] Order Regarding Class Certification Briefing Schedule. In compliance  
3 with General Order No. 45, X.B., I hereby attest that Bahram Seyedin-Noor and Jason de Bretteville  
4 have concurred in this filing.

5 /s/ Christopher P. Seefer  
6 CHRISTOPHER P. SEEFER

7 \* \* \*

8 **ORDER**

9 PURSUANT TO STIPULATION, IT IS SO ORDERED **AS MODIFIED**.  
10 **This is the parties' final continuance.**

11 DATED: July 1, 2009

12   
13 THE HONORABLE JAMES WARE  
14 UNITED STATES DISTRICT JUDGE

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